

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

DENNIS DARDEN,)
)
 Plaintiff,)
)
 vs.) **JUDGMENT IN A CIVIL CASE**
) **CASE NO. 5:23-CV-700-D**
 LELAND C. DUDEK,)
 Acting Commissioner of Social Security,)
)
 Defendant.)

Decision by Court.

IT IS ORDERED, ADJUDGED, AND DECREED that the Plaintiff's Motion for Fees Under the Equal Access to Justice Act 28 U.S.C. § 2412(d)(1)(A) filed is **GRANTED**, to the extent that the Court will award attorney fees in the amount of \$5,750.00, and that under *Comm'r of Soc. Sec. v. Ratliff*, 560 U.S.--, 130 S. Ct. 2521 (2010), the fee award will first be subject to offset any debt Plaintiff may owe to the United States. The Commissioner will determine whether Plaintiff owes a debt to the United States. If so, the debt will be satisfied first, and if any funds remain, they will be made payable to Plaintiff and mailed to Plaintiff's counsel. If the United States Department of the Treasury reports to the Commissioner that Plaintiff does not owe a federal debt, in that case, the government will exercise its discretion and honor an assignment of EAJA fees and pay the awarded fees directly to Plaintiff's counsel. No additional petition pursuant to 28 U.S.C. § 2412(d) shall be filed.

This Judgment filed and entered on March 19, 2025, and copies to:
All counsel of record as listed in this matter (via CM/ECF electronic notification)

March 19, 2025

Peter A. Moore, Jr.
Clerk of Court

By: /s/ Stephanie Mann
Deputy Clerk